

ASSEMBLY BILL

No. 1340

**Introduced by Committee on Environmental Safety and Toxic
Materials (Ruskin (Chair), Tran (Vice Chair), Chu, De La
Torre, Goldberg, Jerome Horton, and Strickland)**

February 22, 2005

An act to amend Sections 12812.2 and 12812.3 of the Government Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as introduced, Committee on Environmental Safety and Toxic Materials. California Environmental Protection Agency.

Existing law authorizes the Governor to appoint 3 deputies to the Secretary for Environmental Protection, one of whom is a deputy secretary for law enforcement and counsel and one of whom is a deputy secretary for external affairs.

This bill would make nonsubstantive, technical changes in those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12812.2 of the Government Code is
2 amended to read:
3 12812.2. (a) One of the deputies to the Secretary for
4 Environmental Protection ~~authorized pursuant to Section 12812.1~~
5 shall be a deputy secretary for law enforcement and counsel,
6 who, subject to the direction and supervision of the secretary,

1 shall have the responsibility and authority to do all of the
2 following:

3 (1) Develop a program to ensure that the boards, departments,
4 offices, and other agencies that implement laws or regulations
5 within the jurisdiction of the California Environmental Protection
6 Agency take consistent, effective, and coordinated compliance
7 and enforcement actions to protect public health and the
8 environment. The program shall include training and
9 cross-training of inspection and enforcement personnel of those
10 boards, departments, offices, or other agencies to ensure
11 consistent, effective, and coordinated enforcement.

12 (2) In consultation with the Attorney General, establish a
13 cross-media enforcement unit to assist a board, department,
14 office, or other agency that implements a law or regulation within
15 the jurisdiction of the California Environmental Protection
16 Agency, to investigate and prepare matters for enforcement
17 action in order to protect public health and the environment. The
18 unit may inspect and investigate a violation of a law or regulation
19 within the jurisdiction of such board, department, office, or other
20 agency, including a violation involving more than one
21 environmental medium and a violation involving the jurisdiction
22 of more than one ~~such~~ board, department, office, or agency. The
23 unit shall exercise its authority consistent with the authority
24 granted to the head of a department pursuant to Article 2
25 (commencing with Section 11180) of Chapter 2 of Part 1.

26 (3) Refer a violation of a law or regulation within the
27 jurisdiction of a board, department, office, or other agency that
28 implements a law or regulation within the jurisdiction of the
29 California Environmental Protection Agency to the Attorney
30 General, a district attorney, or city attorney for the filing of a
31 civil or criminal action.

32 (4) Exercise the authority granted pursuant to paragraph (3)
33 only after providing notice to the board, department, office, or
34 other agency unless the secretary determines that notice would
35 compromise an investigation or enforcement action.

36 (b) Nothing in this section shall authorize the deputy secretary
37 for law enforcement and counsel to duplicate, overlap,
38 compromise, or otherwise interfere with an investigation or
39 enforcement action undertaken by a board, department, office, or

1 other agency that implements a law or regulation subject to the
2 jurisdiction of the California Environmental Protection Agency.

3 (c) Notwithstanding Section 7550.5 of the Government Code,
4 the Secretary for Environmental Protection shall report annually
5 to the Governor and the Legislature on the implementation of this
6 section.

7 SEC. 2. Section 12812.3 of the Government Code is amended
8 to read:

9 12812.3. One of the deputies to the Secretary for
10 Environmental Protection ~~authorized pursuant to Section 12812.1~~
11 shall be a deputy secretary for external affairs who shall provide
12 public outreach, communication to individuals and communities
13 impacted by permitted activities, and technical support to
14 businesses subject to regulation by one or more boards,
15 departments, or offices within the California Environmental
16 Protection Agency.